

000015

# REQUEST FOR COUNCIL ACTION

CITY OF SAN DIEGO

1. CERTIFICATE NUMBER  
(FOR AUDITOR'S USE ONLY)TO:  
CITY ATTORNEY2. FROM (ORIGINATING DEPARTMENT):  
Engineering & Capital Projects Department3. DATE: 50  
05/27

## 4. SUBJECT:

Extending Agreement with MTS for Administration of Taxicab Program

5. PRIMARY CONTACT (NAME, PHONE &amp; MAIL STA.)

Steve Celniker 699-6985 MS 980

6. SECONDARY CONTACT (NAME, PHONE &amp; MAIL STA.)

Deborah Van Wanseele 533-3012 MS 609

7. CHECK BOX IF REPORT TO  
COUNCIL IS ATTACHED ☐

## 8. COMPLETE FOR ACCOUNTING PURPOSES

FUND						9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.						
ORGANIZATION						
OBJECT ACCOUNT						
JOB ORDER						
C.I.P. NUMBER						
AMOUNT						

## 10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	BOEKAMP	3/14/08	5	DEPUTY CHIEF	JARRELL	3/25/08
2	EAS		3/20/08	9	COO		
3	AUDITOR		3/25/08	10	CITY ATTORNEY		4/23/08
4	LIAISON OFFICE	SC	3/28/08	11	ORIGINATING DEPARTMENT	CELNIKER	4/23/08
					DOCKET COORD:	SC	COUNCIL LIAISON: SC to ELP 4/29/08
					COUNCIL PRESIDENT	ONE	COUNCIL DATE: 5/13/08
					<input type="checkbox"/> SPOB	<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> ADOPTION
					<input type="checkbox"/> REFER TO:		

## 11. PREPARATION OF:

☐ RESOLUTION(S)☒ ORDINANCE(S)☐ AGREEMENT(S)☐ DEED(S)

Authorizing a Seventh Amendment to Agreement with San Diego Metropolitan Transit System (MTS) to continue the administration of taxicabs and other private for-hire vehicle regulations.

## 11A. STAFF RECOMMENDATIONS:

Introduce the ordinance.

## 12. SPECIAL CONDITIONS:

COUNCIL DISTRICT(S): Citywide

COMMUNITY AREA(S): Citywide

ENVIRONMENTAL IMPACT: This activity is exempt from CEQA pursuant to State CEQA Guidelines, Section 15060(c)(3).

HOUSING IMPACT: None.

OTHER ISSUES: Send copy of ordinance to Steve Celniker at MS 980.

ATTACHMENTS: A) Seventh Amendment to Agreement  
B) Sixth Amendment to Agreement (for reference)

TR 301,778

**EXECUTIVE SUMMARY SHEET**  
**CITY OF SAN DIEGO**



1255 Imperial Avenue, Suite 1000  
San Diego, CA 92101-7490  
(619) 231-1466 • FAX (619) 234-3407

MTS Doc. No. G0225.7-95  
TAXI 590.10 (PC 50761)

000019

**SEVENTH AMENDMENT TO AGREEMENT FOR  
ADMINISTRATION OF TAXICAB AND OTHER FOR-HIRE VEHICLE REGULATIONS  
BETWEEN  
SAN DIEGO METROPOLITAN TRANSIT SYSTEM  
AND  
CITY OF SAN DIEGO**

---

THIS AGREEMENT is entered into by and between the City of San Diego, a municipal corporation, 202 C Street, San Diego, CA (herein called "CITY"), and the San Diego Metropolitan Transit System, a public agency, 1255 Imperial Avenue, Suite 1000, San Diego, CA (herein called "MTS"), in view of the following recitals, which are a substantive part of this Agreement:

**RECITALS**

- A. MTS is authorized under Section 120266, Chapter 2, Division 11 of the California Public Utilities Code (PUC), to enter into contracts to regulate transportation services within a city in its area of jurisdiction;
- B. CITY is within MTS's jurisdiction created January 1, 1976, under Section 120050, et seq., Chapter 2, Division 11 of the PUC;
- C. CITY desires that MTS regulate taxicabs and other for-hire vehicles and services such as charter vehicles, sight-seeing vehicles, nonemergency medical vehicles, low speed vehicles (LSV), and jitney vehicles pursuant to PUC Section 120266 and in accordance with MTS Ordinance No. 11, "An Ordinance Providing for the Licensing and Regulating of Transportation Services Within the City";
- D. MTS Ordinance No. 11 is based on San Diego Municipal Code, Chapter 7, Article 5, Divisions 1 through 6, "Paratransit Code", which provided for CITY regulation prior to 1988, and was repealed in 1989;
- E. CITY continues to set the fundamental public policy pursuant to regulation of taxicabs and other for-hire vehicles and services through Council Policy 500-02;
- F. CITY and MTS entered into an agreement, Document No. RR-271306, for the period of July 1, 1988 through December 31, 1988; a first amendment to that agreement, Document No. RR-272517, for the period of January 1, 1989 through December 31, 1993; a second amendment to that agreement, Document No. RR-283074, for the period of January 1, 1994 through June 30, 1994; a third amendment to that agreement, Document No. RR-284038 for the period of July 1, 1994 through June 30, 1995; a fourth amendment to that agreement, Document No. RR-285794 for the period of July 1, 1995 through June 30, 1998; a fifth amendment to that agreement, Document No. OO-18526 for the period of July 1, 1998 though June 30, 2003; a sixth amendment to that agreement, Document No. OO-19195 for the period of July 1, 2003 through June 30, 2008;

- G. CITY and MTS now desire to enter into an agreement to extend the period from July 1, 2008 through June 30, 2013; and

NOW THEREFORE, in consideration of the mutual covenants and conditions contained in this Agreement, CITY and MTS agree as follows:

1. MTS will administer and enforce its taxicab and other for-hire vehicles Ordinance policies, and regulations as in effect on July 1, 2008, and as thereafter from time to time amended by MTS, and thereby regulate such taxicab and other for-hire vehicles and transportation services rendered wholly within the CITY's corporate limits during the period of July 1, 2008 through June 30, 2013, pursuant to PUC Section 120266.

2. MTS will collect and administer all such regulatory fees, fines, and forfeitures as now or hereafter provided by the MTS Taxicab and Other For-Hire Vehicles Ordinance No. 11 policies, and regulations.

3. MTS will not alter a fundamental policy or regulation in accordance with the Taxicab and Other For-Hire Vehicles Ordinance No. 11 without prior approval of the CITY.

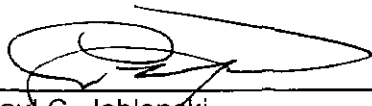
4. The CITY Mayor and MTS Chief Executive Officer may supplement this agreement by executing a Memorandum of Understanding relative to administrative and operating procedures of taxicab and other for-hire vehicles regulation, and to provide for reimbursable staff and legal support services.

IN WITNESS THEREOF, this seventh amendment to the agreement is executed by the CITY acting by and through its City Mayor pursuant to Council Ordinance No. \_\_\_\_\_, and by MTS acting through its Chief Executive Officer.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

THE CITY OF SAN DIEGO

SAN DIEGO METROPOLITAN TRANSIT  
SYSTEM

  
\_\_\_\_\_  
Paul C. Jablonski  
Chief Executive Officer

WE HEREBY APPROVE the form of the foregoing Agreement.

\_\_\_\_\_  
City Attorney

  
\_\_\_\_\_  
Office of the General Counsel

Date: \_\_\_\_\_

Date: 2/15/08

000021

DUPLICATE

MTDB Doc. No. G0225.6-95  
TAXI 590.10 (PC 30110)

SIXTH AMENDMENT TO AGREEMENT FOR  
ADMINISTRATION OF TAXICAB AND OTHER FOR-HIRE VEHICLE REGULATIONS

THIS AGREEMENT is entered into by and between the City of San Diego, a municipal corporation (herein called "City"), and the San Diego Metropolitan Transit Development Board, a public agency (herein called "MTDB"), for a period from July 1, 2003 through June 30, 2008.

WHEREAS, MTDB is authorized under Section 120266, Chapter 2, Division 11 of the California Public Utilities Code (PUC), to enter into contracts to regulate transportation services within a city in its area of jurisdiction; and

WHEREAS, the City is within MTDB's jurisdiction created January 1, 1976, under Section 120050, et seq., Chapter 2, Division 11 of the PUC; and

WHEREAS, the City regulated taxicabs and other for-hire vehicles in accordance with the San Diego Municipal Code, Chapter VII, Article 5, the Taxicab and Other For-Hire Vehicles Code, and Council Policy 500-2; and

WHEREAS, the City set the fundamental public policy pursuant to its Taxicab and Other For-Hire Vehicles Code to regulate taxicabs and other for-hire vehicles; and

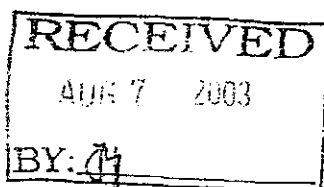
WHEREAS, the City desires that MTDB regulate such vehicles and services pursuant to PUC Section 120266 and in accordance with its Taxicab and Other For-Hire Vehicles Code; and

WHEREAS, the City and MTDB entered into an agreement, Document No. RR-271306, for the period of July 1, 1988 through December 31, 1988; and a first amendment to that agreement, Document No. RR-272517, for the period of January 1, 1989 through December 31, 1993; and a second amendment to that agreement, Document No. RR-283074, for the period of January 1, 1994 through June 30, 1994; and a third amendment to that agreement, Document No. RR-284038 for the period of July 1, 1994 through June 30, 1995; and a fourth amendment to that agreement, Document RR-285794 for the period of July 1, 1995 through June 30, 1998; and from July 1, 1998 through June 30, 2003; and

WHEREAS, the City and MTDB now desire to enter into an agreement to extend the period through June 30, 2008;

NOW THEREFORE, in consideration of the mutual covenants and conditions contained in this Agreement, City and MTDB agree as follows:

1. MTDB will administer and enforce its taxicab and other for-hire vehicles Ordinance policies, and regulations as in effect on July 1, 2003, and as thereafter from time to time amended by MTDB, and thereby regulate such taxicab and other for-hire vehicles and transportation services rendered wholly within the City's corporate limits during the period ending June 30, 2008, pursuant to PUC Section 120266.



DOCUMENT NO. 0019195  
FILED JUL 14 2003  
OFFICE OF THE CLERK  
SAN DIEGO, CALIFORNIA

000022

2. MTDB will collect and administer all such regulatory fees, fines, and forfeitures as now or hereafter provided by the MTDB Taxicab and Other For-Hire Vehicles Ordinance No. 11 policies, and regulations.

3. MTDB will not alter a fundamental policy or regulation in accordance with the Taxicab and Other For-Hire Vehicles Ordinance No. 11 without prior approval of the City Manager.

4. The City Manager and MTDB General Manager may supplement this agreement by executing a Memorandum of Understanding relative to administrative and operating procedures of taxicab and other for-hire vehicles regulation, and to provide for reimbursable staff and legal support services.

IN WITNESS THEREOF, this sixth amendment to the agreement is executed by City acting by and through its City Manager pursuant to Council Resolution No. 019195 and by MTDB acting through its General Manager. ~~Ordinance~~

Dated this 16<sup>th</sup> day of July 2003.

THE CITY OF SAN DIEGO

SAN DIEGO METROPOLITAN TRANSIT  
DEVELOPMENT BOARD

*A. Michael Uberuaga*  
(for) Michael Uberuaga  
City Manager

*Thomas F. Larwin*  
Thomas F. Larwin  
General Manager

WE HEREBY APPROVE the form and legality of the foregoing Agreement.

*David L. Smith*  
City Attorney

*Duffany Hannon*  
Office of the General Counsel

Date: July 24, 2003

Date: June 2, 2003

PSmith/SChamp/CITYRENEWAL  
TAXIAMENDMENT.SANDIEGO  
4/17/03

ORDINANCE NUMBER O- 19195ADOPTED ON JUL 14 2003

AN ORDINANCE AUTHORIZING A SIXTH AMENDMENT TO AGREEMENT WITH METROPOLITAN TRANSIT DEVELOPMENT TO CONTINUE THE ADMINISTRATION OF TAXICABS AND OTHER PRIVATE FOR-HIRE VEHICLES EXTENDING ITS TERM.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That the City Manager be and he is hereby authorized and empowered to execute a SIXTH AMENDMENT TO AGREEMENT with METROPOLITAN TRANSIT DEVELOPMENT [MTDB], to continue the administration of taxicabs and other private for-hire vehicles regulations, for a five-year period beginning July 1, 2003, under the terms and conditions set forth in the Sixth Amendment to Agreement [Agreement], on file in the office of the City Clerk as Document No. OO- 19195.

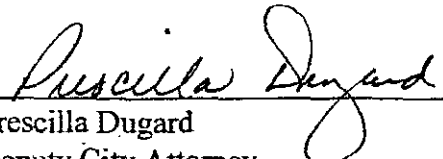
Section 2. That MTDB is hereby authorized to continue to provide for the regulation of taxicabs and other private for-hire vehicles for services rendered wholly within the City's corporate limits as provided in the Agreement.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By

  
Prescilla Dugard  
Deputy City Attorney

PD:db  
05/20/03  
Or.Dept:Plan  
O-2003-157  
Form=o+t.frm

000025

Passed and adopted by the Council of The City of San Diego on July 14, 2003

by the following vote:

YEAS: PETERS, ZUCCHET, ATKINS, LEWIS, MAIENSCHEN, FRYE, MADAFFER,  
INZUNZA, MAYOR MURPHY

NAYS: NONE NOT PRESENT: NONE

AUTHENTICATED BY:

DICK MURPHY  
Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California

(Seal)

By: Esther Ramos, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of ORDINANCE NO. O- 19195 (New Series) of The City of San Diego, California.

I FURTHER CERTIFY that said ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

June 24, 2003 and on July 14, 2003.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California

(Seal)

By: Esther Ramos, Deputy



000027

-----Original Message-----

From: Theresa [mailto:quiroz@cox.net]

Sent: Saturday, May 10, 2008 8:17 AM

To: Hueso, Ben; Maienschein, Councilmember; Young, Anthony; Faulconer, Council Member Kevin; Frye, Donna; Atkins, Councilmember; Peters, Councilmember Scott

Subject: Item 53 - Tuesday May 13

Councilors,

On Tuesday May 13, you will take up item 53 - an amendment to an agreement with MTDB.

Before voting on this item, I would like to request that you clarify the issue of "MTDB".

The State recently moved the long-term planning of MTDB to SANDAG. It is my understanding that in doing so, MTDB was dissolved. We now have MTS, NCTD and SANDAG as the three corporations which run the public transit, and taxi cab, system. Perhaps we could get an explanation as to how we have a contract with MTDB when it no longer appears to be an entity.

Thank you.

Theresa Quiroz

000029

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AUTHORIZING A SEVENTH  
AMENDMENT TO AGREEMENT WITH METROPOLITAN  
TRANSIT SYSTEM TO CONTINUE THE ADMINISTRATION  
OF TAXICABS AND OTHER PRIVATE FOR-HIRE VEHICLES  
EXTENDING ITS TERM.

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the Mayor or his authorized designee is hereby authorized and empowered to execute a Seventh Amendment to Agreement with Metropolitan Transit System [MTS], to continue the administration of taxicabs and other private for-hire vehicles regulations, for a five-year period beginning July 1, 2008, under the terms and conditions set forth in the Seventh Amendment to Agreement [Agreement], on file in the office of the City Clerk as Document No. OO-\_\_\_\_\_.

Section 2. That MTS is hereby authorized to continue to provide for the regulation of taxicabs and other private for-hire vehicles for services rendered wholly within the City's corporate limits as provided in the Agreement.

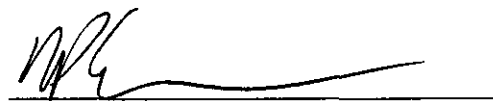
Section 3. That this activity is exempt from California Environmental Quality Act [CEQA] Guidelines, Section 15060(c)(3).

Section 4. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

  
Michael P. Calabrese  
Chief Deputy City Attorney

MPC:sc  
04/22/08  
05/12/08 Cor. Copy  
Aud.Cert.: N/A  
Or.Dept:E&CP  
O-2008-144

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor